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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,751

02/20/2004

Raymond Anthony Joao

RJ455

3715

7590

08/09/2006

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YONKERS, NY 10703

EXAMINER

BLOUNT, ERIC

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,751

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Eric M. Blount

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This official action is in response to applicants Request for Continued Examination (RCE) filed on July 27, 2006. Claims 21-30 are pending. Independent claim 21 has been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Pagliaroli et al [US 5,276,728].

Regarding **claim 21**, Pagliaroli et al disclose a method comprising:

- a. Accessing a first processing device (16) with a communication device (48) via a second processing device (46). The first processing device is located at a vehicle (column 3, lines 50-56), the second processing device is located remote from the vehicle (column 4, lines 54-56), and the communication device (48) is located remote from the second processing device (16) and remote from the vehicle (Figure 1).
- b. Determining an operating status of the vehicle (column 4, lines 46-52). Theft sensors are used to monitor various conditions of the vehicle including tampering and theft. Monitoring whether the vehicle has been tampered with or stolen meets the limitation determining an operating status of the vehicle.

- c. Providing information regarding the operating status of a vehicle system at the communication device (column 2, line 67 – column 3, line 3 and column 3, line 64 – column 4, line 20 and column 4, lines 46-52). Pagliaroli discloses that a user is alerted when the operating status of a vehicle alarm system (theft) changes. A portable receiver is carried by the user for providing an alert. After receiving an alert, the user will use the communication device to transmit a signal to the vehicle. When the user receives an alert via the receiving device, while in the presence of the communication device, the information regarding the operating status of the vehicle alarm system is provided at the communication device.
- d. Transmitting a first signal (40) from the communication device (48) wherein the first signal (40) is transmitted to the first processing device (16) via the second processing device (46, column 4, line 53 – column 5, line 7).
- e. Enabling or disabling the operation of the vehicle (column 5, lines 37-47).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pagliaroli et al.

Regarding **claim 21**, Pagliaroli et al disclose a method comprising:

- a. Accessing a first processing device (16) with a communication device (48) via a second processing device (46). The first processing device is located at a vehicle (column 3, lines 50-56), the second processing device is located remote from the vehicle (column 4, lines 54-56), and the communication device (48) is located remote from the second processing device (16) and remote from the vehicle (Figure 1).
- b. Determining an operating status of the vehicle (column 4, lines 46-52). Theft sensors are used to monitor various conditions of the vehicle including tampering and theft. Monitoring whether the vehicle has been tampered with or stolen meets the limitation determining an operating status of the vehicle.
- c. Providing information regarding the operating status of a vehicle system at the communication device (column 2, line 67 – column 3, line 3 and column 3, line 64 – column 4, line 20 and column 4, lines 46-52). Pagliaroli discloses that a user is alerted when the operating status of a vehicle alarm system (theft) changes. A portable receiver is carried by the user for providing an alert. After receiving an alert, the user will use the communication device to transmit a signal to the vehicle. When the user receives an alert via the receiving device, while in the presence of the communication device, the information regarding the operating status of the vehicle alarm system is provided at the communication device.
- d. Transmitting a first signal (40) from the communication device (48) wherein the first signal (40) is transmitted to the first processing device (16) via the second processing device (46, column 4, line 53 – column 5, line 7).
- e. Enabling or disabling the operation of the vehicle (column 5, lines 37-47).

Pagliaroli does not specifically disclose that information is regarding the operating status of the vehicle alarm system is provided on (via) the communication device. However, reporting information to a remote or central location was well known in the art at the time of the invention by the applicant. In fact, Pagliaroli teaches a step of reporting information to a remote location (see step c above). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the invention of Pagliaroli so that the communication device included a receiving device for providing information to a user because the modification would result in a system suited for alerting a user of the operating status of vehicle alarm system at a remote location without requiring the use of a portable receiving device. By making the communication device and the portable receiving device integral, the user would not have to worry about losing the portable receiving device.

Regarding **claims 22-29**, Pagliaroli discloses that the vehicle may be any motor vehicle (column 3, lines 17-22). This teaching reasonably appears to meet the limitations of the claims. It would have been obvious to a skilled artisan, from the suggestion of Pagliaroli, that any vehicle or combination of vehicles could have been monitored and controlled by the invention.

As for **claim 30**, Pagliaroli discloses that **any** telephone may be used to send a control signal. Further, Pagliaroli discloses the use of cellular networks (column 4, line 53-column 55, line 7). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that any telephone whether wired or wireless could be used to transmit control signals. A wireless communication device would allow a user to transmit a control signal at any time and from any place within communication range of the network. The use of a wireless

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communication device would reduce the amount of damage done or distance traveled by a thief by allowing a user to immediately access the first processing device located in the vehicle.

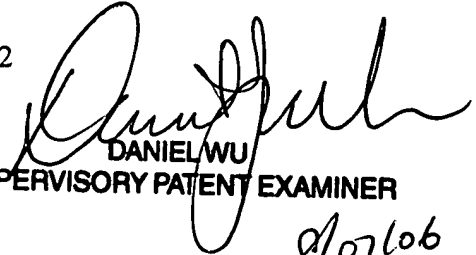
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric M. Blount
Examiner
Art Unit 2612


DANIEL WU
SUPERVISORY PATENT EXAMINER
8/07/06